

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILEDfor the
Southern District of Texas

MAR 26 2019

David J. Bradley, Clerk

United States of America
v.
Marvin Abel Lopez-Villanueva
Citizen of Honduras
YOB: 1989Case No. U-19-0687-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 26, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 18 USC, Section 111(b)

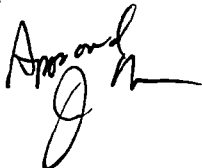
(Felony)

Offense Description

whoever in the commission of any acts described in subsection (a), uses a
deadly or dangerous weapon (including a weapon intended to cause death or
danger but that fails to do so by reason of a defective component) or inflicts
bodily injury

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Complainant's signature

Joshua J. Swims, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/26/20193:33 pm

Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, United States Magistrate Judge

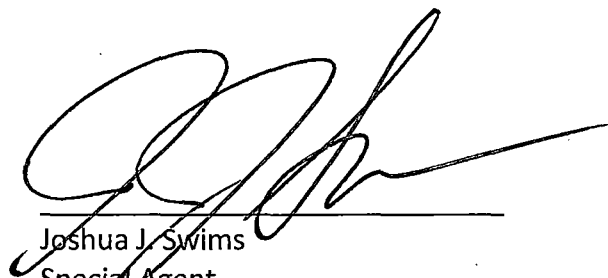
Printed name and title

Attachment "A"

Affidavit

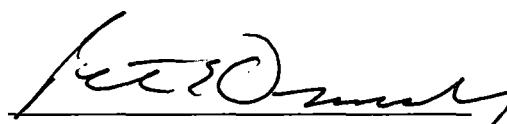
I, Joshua J. Swims, being duly sworn, do hereby depose and state:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) in McAllen, Texas and have been employed in that capacity for over 15 years. I am currently assigned to the violent crime squad and my duties include, but are not limited to, assaults on federal officers, bank robbery, and kidnapping matters.
2. The information contained in this affidavit is based on the investigation conducted by SAs of the FBI, along with Border Patrol personnel.
3. On March 26, 2019, at approximately 4:45 AM, Marvin Abel Lopez-Villanueva was being held at the Border Patrol Central Processing Facility located in McAllen, Texas. Lopez-Villanueva, a Honduran national, climbed out of a chain link holding cell, and obtained a mop with a wooden handle. Lopez-Villanueva broke the wooden handle of the broom and wielded the broom as a weapon as Agents attempted to apprehend Lopez-Villanueva .
4. During the incident, Lopez-Villanueva lowered the broken mop handle and attempted to spear BPA E.C. with the splintered end. BPA E.C. was able to deflect the splintered end of the mop handle with his hands. Several responding Agents restrained and handcuffed Lopez-Villanueva. BPS E.C. was taken to the hospital and treated for lacerations to his hands.
5. Lopez-Villanueva was interviewed following the incident and admitted to jumping over the fence, grabbing a broom and breaking the handle over his knee. Lopez-Villanueva stated that he was trying to escape and attempted to stab BPA E.C. in the ribs with the broken broom stick.
6. Based on the above information, your Affiant believes there is probable cause to indicate that Marvin Abel Lopez-Villanueva assaulted BPA E.C. on March 26, 2019 in violation of Title 18 United States Code, Section 111(b), Assaulting a Federal Officer.

A handwritten signature in black ink, appearing to read 'J. Swims', written over a horizontal line.

Joshua J. Swims
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of March 2019

A handwritten signature in black ink, appearing to read 'Peter E. Ormsby', written over a horizontal line.

Peter E. Ormsby
United States Magistrate Judge